

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                  )  
  )  
  )  
v.    )         CRIMINAL NO. 04-10165-RCL  
  )  
TONY GOMES TEIXEIRA                        )

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE**

The government responds to the defendant's motion *in limine* as follows:

1. The government's two witnesses are Massachusetts State Troopers assigned to the MSP Gang Unit. They are assigned to assist the City of Brockton in its efforts to reduce violence and drug dealing within the city. They work the 4-12 evening shift, and spend their time on cruiser patrol within city limits. On April 5, 2004, they were patrolling the city when they observed a Nissan Altima speeding. They pulled over the vehicle, in which the defendant was the back-seat passenger. A gun was found directly in front of the defendant and he was arrested for unlawful possession of a firearm.

The government will not elicit from the troopers the name of their unit (i.e. Gang Unit). However, the government expects to ask at least one of the troopers about their assignment and responsibilities in Brockton, and how they go about their work. The government expects that the response will be to the effect that they utilize cruiser patrols of the city in order to assist

Brockton in its efforts to reduce violence and drug crimes. The government will not attempt to stress the "gang" aspects of their work, but does need to put the car stop subject to this case into a legitimate context. The government will also try to avoid reference to "high crime areas," both in describing the troopers' duties and with respect to the car stop in question.

2. Neither trooper knew the defendant before the car stop in question, although they did know and will testify that they knew the driver of the vehicle. One of the troopers was also somewhat familiar with the front passenger seat of the vehicle. Accordingly, there will be no testimony about knowing the defendant by either experience or reputation.

3. Except as provided above, the government opposes the defendant's motion *in limine*.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Timothy Q. Feeley  
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July 13, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served a copy of the forgoing on all counsel of record by electronic filing notice.

/s/ Timothy Q. Feeley  
Timothy Q. Feeley  
Assistant U.S. Attorney